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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 SHAWN ALAN GILLICK,
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13 vs. Plaintiff,
14 COMMISSIONER OF SOCIAL
15 SECURITY,
16 Defendant.

CASE NO. 12CV1810-LAB (PCL)
**ORDER ADOPTING REPORT
AND RECOMMENDATION; AND
ORDER OF DISMISSAL**

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18 This social security appeal was referred to Magistrate Judge Peter Lewis for report
19 and recommendation, pursuant to 28 U.S.C. § 636. Judge Lewis issued his report and
20 recommendation (the "R&R") on cross motions for summary judgment, recommending that
21 Plaintiff Shawn Alan Gillick's motion be denied and the motion of Defendant, the
22 Commissioner of Social Security, be granted.

23 Objections to the R&R were initially due on September 4, 2013, but the Court granted
24 a joint motion extending the deadline to September 18. The order extending the deadline
25 reminded the parties to file promptly, and cautioned them that additional extensions of time
26 would not be granted without a showing of extraordinary good cause. Since then, Gillick has
27 not filed objections, nor sought additional time in which to do so.

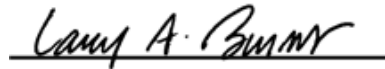
28 A district court has jurisdiction to review a Magistrate Judge's report and
recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must

1 determine de novo any part of the magistrate judge's disposition that has been properly
2 objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part, the
3 findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). This
4 section does not require some lesser review by the district court when no objections are filed.
5 *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). The "statute makes it clear that the district
6 judge must review the magistrate judge's findings and recommendations de novo *if objection*
7 *is made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.
8 2003) (en banc).

9 The Court has nonetheless reviewed the R&R and agrees with its rationale and
10 conclusions. The R&R is **ADOPTED**, Plaintiff's motion for summary judgment is **DENIED**,
11 and Defendant's motion for summary judgment is **GRANTED**. The complaint is therefore
12 **DISMISSED WITH PREJUDICE**.

13 **IT IS SO ORDERED.**

14 DATED: September 19, 2013

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16 **HONORABLE LARRY ALAN BURNS**
17 United States District Judge
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